

JARED POLIS
2ND DISTRICT, COLORADO

1433 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0602
(202) 225-2161
(202) 226-7840 (FAX)

website and email:
<http://polis.house.gov>



Congress of the United States
House of Representatives

September 11, 2014

PARLIAMENTARIAN OF THE WHIP

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The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

977

Dear Chairman Wheeler:

I am writing to encourage the Federal Communications Commission to implement Phase II of the Connect America Fund (CAF II) with a flexible approach that enables broadband providers to reach its new goal of 10 Mbps service within the program's current annual budgets.

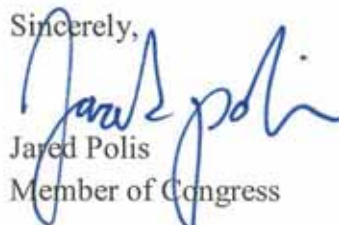
The Second District of Colorado is home to two top research universities and a thriving start-up culture that draws many of the nation's best minds, but my district also includes some of the most rural communities with challenging terrain and low population density that make them difficult to reach with high-speed broadband connections. If implemented successfully, I understand CAF II offers an opportunity to bring faster, fiber-fed broadband connections to over 57,000 unserved households in the rural Colorado communities, including over 4,400 households in small mountain communities in my district.

I am pleased that the Commission has raised its speed goal from 4 Mbps to 10 Mbps, but I also understand that this more ambitious goal does not come with increased funding. I am concerned that if the CAF II does not allow broadband providers a reasonable level of flexibility, the program's overall mission could be endangered, especially because it represents the final phase of Universal Service reform and will effectively determine whether many rural Coloradans will have a broadband connection or not for the foreseeable future.

The June 10 FNPRM identifies a number of constructive ideas that could help achieve the speedier network goals without exceeding the CAF II annual budget, such as extending the funding period, raising the "unserved" threshold, and permitting providers to shift support from census blocks with very few residents to the unserved portions of partially served census blocks. I would encourage the Commission to require a reasonable standard of verification for industry claims that an area is already served and therefore ineligible for support.

Thank you for considering my concerns, and I look forward to working with you.

Sincerely,



Jared Polis
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 1, 2014

The Honorable Jared Polis
U.S. House of Representatives
1433 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Polis:

Thank you for your letter regarding implementation of certain aspects of Phase II of the Connect America Fund (CAF Phase II). Specifically, you indicate that the overall mission of the CAF Phase II program could be endangered if the Commission increases the current broadband speed benchmark for program recipients to 10 Mbps downstream /1 Mbps upstream without allowing flexibility in other elements of program, and you suggest several proposals to provide such flexibility. I appreciate your views and will ensure your letter is included in the record of the proceeding and considered as part of the Commission's review.

The universal service program is one of the most important tools at our disposal to ensure that consumers and businesses in rural America have the same opportunities as their urban and suburban counterparts to be active participants in the United States of the 21st century. We are focused on updating the universal service high-cost program to ensure that we are delivering the best possible voice and broadband experience to rural America within the confines of our Connect America budget, while providing increased certainty and predictability for all carriers and a climate for increased broadband expansion.

In April, the Commission adopted a *Connect America Fund Phase II Report and Order* to move forward with Phase II of the Connect America Fund for price-cap carriers. In addition, in an associated *Further Notice of Proposed Rulemaking (FNPRM)*, the Commission sought comment on a number of the issues you raise, including revising the current broadband performance obligations to require minimum speeds of 10 Mbps downstream and applying the same performance obligations to all recipients of Phase II support and to rate-of-return carriers. The *FNPRM* also seeks comment on a proposal to allow CAF II recipients more flexibility in meeting their performance obligations, such as the ability to substitute locations in partially-served census blocks for locations in the unserved census block for which it received support. The record on these issues just closed and is under consideration by Commission staff.

One final step in the process before we can complete CAF II, which your letter references, is that we must finalize the list of census blocks that are eligible for support. We recently initiated the CAF II challenge process and received a total of 178,335 challenges from parties challenging the served/unserved status of a census block. Commission staff is currently

reviewing these challenges, and we recently released a Public Notice giving parties 45 days to comment on these challenges. We intend to make sure that a fair challenge process is conducted to ensure that all eligible unserved areas qualify for funding.

We expect a robust record on these topics and I welcome a dialogue with stakeholders as to how best to accomplish our shared objectives. I look forward to working with you as we continue reforming and modernizing the universal service fund high-cost program – as well as other components of the Universal Service Fund – to ensure that all Americans have access to robust voice and broadband services.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a stylized flourish extending to the right.

Tom Wheeler